

A Statement Used by CBS Is Questioned at Libel Trial

By M. A. FARBER

Conflict arose yesterday over whether a statement attributed to Gen. William C. Westmoreland in a 1982 "CBS Reports" documentary was actually made by Gen. Earle G. Wheeler when he was chairman of the Joint Chiefs of Staff.

General Westmoreland, who is suing CBS for libel, was alleged on the broadcast to have expressed alarm in 1967 over reports of higher enemy strength in South Vietnam, and to have said at a briefing: "What am I going to tell the press? What am I going to tell the Congress? What am I going to tell the President?"

The statement — used by CBS to support its thesis that there had been a "conspiracy at the highest levels of American military intelligence" to suppress information about enemy strength in South Vietnam — was recalled for CBS by Lt. Col. Gains Hawkins, chief of the order of battle section of General Westmoreland's command in 1967.

But yesterday, Col. Edward H. Caton, chief of the joint intelligence branch of General Westmoreland's command, testified in Federal District Court in Manhattan that the statement was "unlike" anything General Westmoreland would say.

'Not Characteristic'

"It's not characteristic of him," said Colonel Caton, who was not interviewed for the CBS documentary: "The Uncounted Enemy: A Vietnam Deception."

Colonel Caton was the third witness for General Westmoreland at the trial, which deals with whether the general deceived his military superiors and President Johnson in the year before the enemy's Tet offensive in late January 1968.

The colonel said General Wheeler, after a briefing in Saigon in the spring of 1967 about a "highly classified" matter, had been "nonplussed" and made a remark similar to that ascribed by CBS to General Westmoreland, who was commander of United States forces in Vietnam from 1964 to 1968.

Colonel Caton said he regularly attended General Westmoreland's intelligence briefings before his own departure from Vietnam in June 1967 and heard such a remark only once — from General Wheeler. The colonel told the jury he lacked authority to reveal what had upset the general.

But in a pretrial affidavit, the colonel said he had informed General Wheeler at one of the briefings of "important intelligence we had developed in the preceding day or two relating to the capabilities of the Chinese." General Wheeler, he said in the affidavit, "became concerned and said: 'What will I tell the President?' He said he had briefed the President on the subject just before he left Washington."

Vietnam Was a 'Blur'

"I suspect," Colonel Caton continued in the affidavit, "that Colonel Hawkins is confusing General Westmoreland with General Wheeler." General Wheeler died on Dec. 18, 1975.

Under cross-examination by David Boies, the lawyer for CBS, Colonel Caton said he could not recall Colonel Hawkins' having briefed General Westmoreland on enemy strength, nor the date of the briefing at which General Wheeler made his "rhetorical" remark.

"Vietnam," he said, "is one long blur, sir."

Mr. Boies asked Colonel Caton whether the briefing for General Wheeler could have been related to two cables from General Wheeler to General Westmoreland, on March 9 and 11, 1967. In the cables, General Wheeler warned that new figures reflecting an increased number of large-scale enemy actions in Vietnam "would, literally, blow the lid off Washington," if published.

General Wheeler questioned the accuracy of the new data, which, he said, "changed the picture drastically" and were "a major element in assessing the status of the war for the President" and Congress.

Colonel Caton said he knew nothing of the cables.

Colonel Hawkins is expected to testify for CBS on General Westmoreland's statements, as is Capt. Kelly Robinson, another intelligence officer.

'Wondered Aloud'

In a pretrial affidavit, Captain Robinson said he had briefed the general in the spring of 1967 about a higher estimate of the Vietcong's political cadre and that "far from accepting our estimate," General Westmoreland "expressed shock at its magnitude."

The general, Captain Robinson said, "simply wondered aloud how the public and the press would react to such a dramatic increase."

"He specifically mentioned The New York Times and kept saying words to the effect of 'What am I going to tell the press?' He also observed that Secretary of Defense Robert S. McNamara and other leaders in Washington were obsessed with numbers," the captain said.

In his own pretrial deposition, General Westmoreland acknowledged that Captain Robinson had briefed him and said the captain's recollection of the briefing was "accurate." It was not clear, however, whether the general agreed with the captain's description of his reaction.

Yesterday, Colonel Caton offered the jury a vivid picture of the stresses of wartime intelligence work. The colonel said he and his staff had been responsible for the daily production of "current" data on enemy troop strength, whereas Colonel Hawkins was concerned with long-term intelligence.

In the first six months of his year's tour in Vietnam, he said, he worked from 3 A.M. to 11 P.M., seven days a week; in the last six months, he took only Monday mornings off. He said a number of officers who had worked for him in "the vault," a locked enclosure on an upper floor of command headquarters in Saigon, were hospitalized with bleeding ulcers.

Colonel Caton said that, in retrospect, he agreed with General Westmoreland's controversial decision to delete the enemy's self-defense and secret self-defense forces from the order of battle.